

## REMARKS

The Examiner has imposed a Restriction Requirement requiring an Election of Species between:

- Species 1: Embodiment 1: Manual Mode (Fig. 4, steps 405-470);
- Species 2: Embodiment 2: Scheduling Mode (Fig. 4, step 415; Fig. 6);
- Species 3: Embodiment 3: Auto Mode (Fig. 4, arrow to B, Fig. 5).

The Applicant respectfully disagrees with the Examiner's Restriction Requirement and traverses for the following reasons. First, the particular reasons for holding that the inventions as claimed are independent or distinct was not precisely stated pursuant to MPEP 808. Second, the office action does not set forth reasons why there would be a serious burden on the Examiner if restriction were not required pursuant to MPEP 808.

In addition, Applicant respectfully submits that it would not be an undue burden to examine all of the claims in full. Under MPEP § 803, "[i]f the search and examination of an entire application can be made without serious burden, the examiner *must* examine it on the merits, *even though* it includes claims to independent or distinct inventions" (emphasis added). Fig. 3 and page 7, line 26 through page 8, line 16 of the specification describe power calculation and amplifier control wherein, in an amplifier control algorithm, the number of current operation amplifiers is determined, required power is determined, and the number of required amplifiers is determined based the required power such that amplifiers are enabled or disabled as needed. Upon receipt of an Enable/Disable command from an operator in a manual or scheduling mode, the decision to execute the command or generate a command error message is made. Accordingly, the disclosed invention determines whether to enable or disable amplifiers, as recited in claim 1. The flow charts of Figs. 4, 5 and 6 each comprise a step of the base station (BS) calculating the number R of required power amplifier units (PAUs) and steps to enable and/or disable PAUs (see, for example, steps 430, 450, 440 and 460 in Fig. 4, steps 510, 540 and 550 in Fig. 5, and steps 630,

660 and 670 in Fig. 6). Thus, there is a significant degree of common subject matter in Species 1, 2 and 3; therefore, it would not be an undue burden to examine all the claims in full.

We have identified the claims encompassing the alleged Species as follows:

Species 1: claims 2-5, 20-23

Species 2: claims 2-5, 11-17, 20-23, 29-35

Species 3: claims 6-10, 24-28

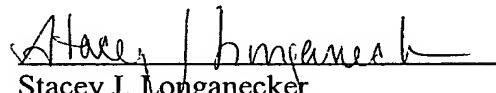
Generic claims: 1, 18 and 19

Applicants respectfully direct the Examiner's attention to page 7, lines 6-8 of the specification which indicate that the Scheduling Mode (Species 2) is an extension of the Manual Mode (Species 1). Accordingly, several of the claims are identified to both Species 1 and 2 above.

Applicant provisionally Species 2 – Scheduling Mode (Fig. 4, step 415, Fig. 6) with traverse for further prosecution on the merits. Claims 2-5, 11-17, 20-23 and 29-35 are readable on the provisionally elected species. Applicant desires consideration of claims 6-10 and 24-28 upon allowance of a generic claim (i.e., currently claims 1, 18 and 19).

Early and favorable action on the merits is thus respectfully requested. Should the Examiner have any questions, she is invited to contact the undersigned at (202) 530-7370.

Respectfully submitted,

  
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